

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JAJUAN OMAR GARDNER, Defendant.	14-CR-20735-001 ORDER REQUIRING DEFENDANT TO SUPPLEMENT THE RECORD
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On April 4, 2020, Defendant JaJuan Omar Gardner moved for release on home confinement and/or compassionate release in light of the COVID-19 pandemic. ECF No. 31. This motion was received by the Court on May 4, 2020. Thereafter, the Court appointed counsel to assist Mr. Gardner, and on June 22 and June 23, 2020, the Court received supplemental briefing both from Mr. Gardner, and Mr. Gardner's appointed counsel. ECF Nos. 39, 41.

In reviewing the record and the merits of Mr. Gardner's request, it appears that the record lacks any fully developed and detailed release plan to be followed should the motion be granted. Although Mr. Gardner states in his supplement that he would intend to reside with his wife, Sharon Robinson, and their three children, and grandchild at 2818

Aphaway, Flint, Michigan, 48507, ECF No. 41, PageID.192, the record does not contain any affidavit from Ms. Robinson confirming her agreement to this plan, or verifying this address and why the conditions of the household would be appropriate.

Defense counsel is therefore **ORDERED** to provide the Court with an appropriate release plan supported by an affidavit from the head-of-household where Defendant would intend to reside within seven (7) days of the date of the entry of this Order. The release plan should address why the location would be an appropriate one for Defendant to be in light of his health conditions and should include in the affidavit an affirmation from the head of household of a commitment to act as third-party custodian for Defendant at that address if home confinement were to be permitted, as well as a description of the conditions of the location, the names of others who are living there, and why it would be an appropriate location in light of Defendant's health conditions. Defendant may also submit any additional medical records or evidence of Defendant's rehabilitative efforts in prison in support of such a release plan as well.

In ordering this supplemental information, the Court does not intend to suggest in any way how it may ultimately decide the outcome of Defendant's motion, only that such information is material to its decision and is currently lacking.

IT IS SO ORDERED.

DATED: June 26, 2020.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge